

H.B. 313

CHIROPRACTIC PHYSICIAN PRACTICE ACT AMENDMENTS

HOUSE FLOOR AMENDMENTS

FEBRUARY 17, 1998 3:39 PM

Representative **Bradshaw** proposes the following amendments:

1. Page 1, Line 9: Delete "AND"
2. Page 1, Line 11: After "EXAMINATION" insert "; AND PROVIDING A COORDINATION CLAUSE"
3. Page 1, Line 13: After line 13 insert:
"58-72-102, as renumbered and amended by Chapter 253, Laws of Utah 1996"
4. Page 1, Line 20: After line 20 insert:
"Section 1. Section **58-72-102** is amended to read:
58-72-102. Acupuncture licensing -- Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body, and includes the techniques of electroacupuncture, cupping, and moxibustion.
(2) "Acupuncturist" means a person who has been licensed under this chapter to practice acupuncture.
(3) "Board" means the Acupuncture Licensing Board created in Section 58-72-201.
(4) Practice of acupuncture includes the performance of chiropractic services as an adjunct to acupuncture treatment upon successful:
(a) completion of a certified training program as established by division rule; and
(b) passage of an examination approved by the division demonstrating the applicant's skill and knowledge; or
(c) satisfaction of the requirements for current active certification in chiropractic under guidelines established by the division as

demonstrated through a current certificate or other appropriate documentation.

[(4)] (5) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:

- (a) performing, procuring, or agreeing to perform or procure, or advising, aiding in or abetting, or offering to perform, procure, advise, aid in or abet a criminal abortion;
- (b) willfully betraying or disclosing a professional secret, or violating a privileged communication, except:
 - (i) as required by law; or
 - (ii) to assist the division in fully and freely exchanging information concerning applicants or licenses with the licensing or disciplinary board of other states or foreign countries and professional associations;
- (c) fraudulently representing that an incurable disease can be cured, or that a curable disease, sickness, or injury can be cured in a stated time, or knowingly making any false statement in connection with the practice of acupuncture, except as the making of the statement may be necessary for accepted therapeutic reasons;
- (d) refusing to divulge to the division upon demand the means, methods, device, or instrumentality used in the treatment of a disease, injury, ailment, or infirmity;
- (e) practicing acupuncture as a partner, agent, or employee of, or in joint venture with any person who does not hold a license to practice acupuncture or medicine within this state;
- (f) using or administering to himself cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, chloralhydrate, or any of the salts, derivatives, or compounds of the foregoing substances or the using of paraldehyde or barbituric acid, or their salts, compounds or derivatives, or amphetamines, hallucinogens or related drugs, or controlled substances, or any narcotic or dangerous drug regulated by the statutes of this state or any alcoholic beverages to the extent, or in a manner, dangerous or injurious to the person holding the license under this chapter, or any other person or the public, or to the extent that its use impairs the ability of persons holding licenses to conduct with safety to the public the practice of acupuncture, or being convicted of a felony involving the use, consumption, or self-administration of any of the substances referred to in this section

or any combination thereof;

(g) knowingly selling, furnishing, giving away or administering directly or indirectly, or offering to sell, furnish, give away, or administer any of the drugs or compounds mentioned in Subsection (f) to a habitue or addict unless permitted by law; or

(h) willfully and intentionally making any false statement in a report or claim form to a governmental agency or insurance company with the intent to secure payment not rightfully due."

Renumber remaining sections accordingly.

Page 7, Line 21:

After Line 21 insert:

Section 5. Coordination clause.

If this bill and H.B. 57, Acupuncture Practice Amendments, both pass, it is the intent of the Legislature that Subsection 58-72-102(4)(b) in H.B. 57 be deleted and that Subsection 58-72-102(4) in this bill be inserted in its place and renumbered accordingly.